S. HRG. 101-1056

NOMINATIONS—DOT

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

SEPTEMBER 20, 1990

A. MARY STERLING, TO BE INSPECTOR GENERAL DEPARTMENT OF TRANSPORTATION

OCTOBER 19, 1990

MARION C. BLAKEY, TO BE ASSISTANT SECRETARY OF TRANSPORTATION FOR PUBLIC AFFAIRS, DEPATMENT OF TRANSPORTATION

Printed for the use of the
Committee on Commerce, Science, and Transportation

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NOMINATIONS—DOT

THURSDAY, SEPTEMBER 20, 1990

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:41 a.m. in room SR-253, Russell Senate Office Building, Hon. J. James Exon, presiding.

Staff members assigned to this hearing: Sheryl W. Washington, professional staff member and Ruth Johnson, minority professional staff member.

Senator EXON. The Committee will please come to order.

We will ask Mary Sterling to please come forward at this time.

Good morning, Ms. Sterling. We are pleased that you are here for consideration by the Committee of the very, very important post to which you have been nominated by the President.

We will have your opening statement in just a few moments. Senator Danforth has asked to be recognized for some comments, and I am pleased to recognize him at this time.

OPENING STATEMENT BY SENATOR DANFORTH

Senator DANFORTH. Mr. Chairman, it is a great honor and a very personal pleasure for me to welcome Mary Sterling to this Committee for her confirmation hearing. I have known Mary Sterling and her husband, Ed, for a number of years. I must say in a political context they have both been very active in the affairs of the party of Lincoln in the Kansas City area.

Mary Sterling has a varied and illustrious background. She overcame the disadvantage of having attended Harvard College, but moved on from there. In fact, she was a Rhodes finalist. She got her law degree. She has lived in Kansas City, practiced law in Kansas City, held a variety of public positions, and now she comes before the Committee for confirmation as Inspector General of the Department of Transportation.

I know Mary Sterling as a very able, very bright, very energetic and highly principled person. I can attest to the Committee that she is exactly the kind of person who should be in public life, and I am delighted that she is willing to give public life so much of her energy and so much of her time and attention.

Senator EXON. Senator Danforth, thank you very much.

Ms. Sterling, we are very pleased to welcome you now. We would like to have you present your statement, either read in full or submitted for the record, however you wish. Then we have some questions for you.

[The biographical sketch and prehearing questions and answers follow:]

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United States Senate
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: STERLING (Last) A. MARY (First) _____ (Other)

   Address: 2250 Clarendon Blvd. Apt. #12C2 (Current residence); U.S. Department of Labor, Suite S-2203 (Business)

   Arlington, Virginia 22201; 200 Constitution Avenue, N.W. Washington, DC 20210

2. Position to which nominated: Inspector General, Transportation Date of nomination: July 31, 1990

3. Date of birth: September (month) 4 (day) 1955 (year) Place of birth: Williams County, Ohio

4. Marital status: Single Full name of Spouse: none

5. Names and ages of children: none

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
Harvard University	74-76	AB cum laude	1976
Ohio State University	76-77	M.A.-Public Administration	1977
	73-74		
New York University	77-80	JD	1980
University of Missouri - at Kansas City, visiting student	79-80		

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
See Attached Pages.				

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

All listed above in response to Question 7.

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Former membership in Missouri Republican Party, Jackson County, Republican Club, First Thursday, Young Republicans, all in Kansas City, Missouri. I was also the Executive Director of the Bush-Quayle '88 campaign in Missouri. See the attached pages for contributions, following remarks sheet.

Employment Record:

Legal:

Assistant Secretary, U.S. Department of Labor, Office of Labor-Management Standards (November 6, 1989-present). Special Assistant to the Secretary of Labor, Washington, D.C. (July 5, 1989 - November 6, 1989).

McDowell, Rice & Smith, Kansas City, Missouri, Senior Associate (May 1, 1989 - June 30, 1989).

White House Fellow and Special Assistant to the U.S. Attorney General, U.S. Department of Justice, Washington, D.C. (September 1987 - August 1988); Special Assistant for criminal and law enforcement related matters. Criminal Trial Advocacy Instructor, U.S. Attorney General's Advocacy Institute, Washington, D.C., (1 week), and FBI Academy, Quantico, Virginia (3 days).

Private Practice, sole practitioner, civil litigation (December 1986 - August 1987; November 1988 to April 1989).

U.S. Department of Justice, Organized Crime and Racketeering Section, Kansas City Strike Force, organized crime prosecutor (May 1985 - December 1986); investigation, grand jury, trial and appeals of organized crime cases in several midwestern states. Criminal Trial Advocacy Instructor, U.S. Attorney General's Advocacy Institute, Washington, D.C. (1 week).

U.S. Department of Justice, U.S. Attorney's Office for the Western District of Missouri, Assistant United States Attorney (June 1982 - May 1985); Federal white-collar criminal prosecutions, appeals and civil litigation such as torts, labor and general litigation.

Watson, Ess, Marshall & Enggas, Kansas City, Missouri, Associate (May 1980 - June 1982); Law Clerk (September 1979 - May 1980); civil litigation and appeals.

Morrison, Hecker, Curtis, under Kuder & Parrish, Kansas City, Missouri; Summer Associate (1979); civil litigation.

U.S. Department of Justice, U.S. Attorneys Office for the Southern District of New York, Law Clerk (1978-1979); criminal prosecution and civil litigation.

U.S. Department of Justice, U.S. Attorney's Office for the District of Hawaii; Summer Law Clerk (1978); criminal prosecution and civil litigation.

Other:

Bush-Quayle '88 Campaign, Executive Director, State of Missouri, Jefferson City, Missouri (September 1, 1988 - November 15, 1988).

U.S. Department of Justice, Bureau of Prisons, Washington, D.C., summer Intern (1976); Federal Task Force on Correctional Counseling, management audit team, worked on U.S. Government publication, The Female Offender.

U.S. House of Representatives, Washington, D.C., Summer Congressional Intern for former Representative Del Latta of Ohio (1975).

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

See attached pages.

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Professional: 1987-1988 White House Fellow. 1988 Kansas City Career Woman of the Year (Career Club of Kansas City). 1988 William Oxley Thompson Alumni Award (outstanding Ohio State University alumni who achieved distinction in their career before age 35). 1986 Missouri Bar Pro Bono Publico Award. Young Lawyers Section Chairperson's Award for Outstanding Service to the Missouri Bar (1984). Named one of Ten Outstanding Young Working Women for 1986-87 by Glamour Magazine. One of the Girl Scouts 75 Women of Achievement (Midwest Council of Girl Scouts on 75th Anniversary of Scouting, 1987).

College: Rhodes Scholarship Finalist. Ohio State Developmental Scholar. Pressey Psychology Scholar. Harvard Scholarship. Alpha Lambda Delta National Honorary Society. Ohio State University Summa Award. Root-Tilden Scholarship. Honors for Senior Thesis, Harvard University. ABA Law Student Division Silver Key Award. Named one of Top Ten College Students for 1975 by Glamour Magazine.

12. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

None

Memberships:

Professional:

Missouri Bar (1980-): Board of Governors (1986-89): Young Lawyers Section Council (1983-86); Chairman, Pro Bono Task Force (1983-85). Delivery of Legal Services Committee.

American Bar Association (1977-90): Assembly Delegate (one of five people elected annually to 3 year terms to represent the ABA membership at-large in the House of Delegates) (1986-89); Assembly Resolutions Committee (1986-89); General Practice Section, Vice Chair, Litigation Committee; Litigation Section, Committees on Government Litigation Counsel and Complex Crimes; Young Lawyers Section Delegate, Missouri (1985, 86.)

New York University School of Law Root-Tilden Scholarship Program: Eighth Circuit Co-Secretary, 1982-89 (the Circuit Secretaries, two from each federal circuit, serve as a board of directors); Public Practitioner in Residence Program, Spring 1986, small lecture groups with students interested in public service law, to expose the students to a wide range of public service legal careers.

Kansas City Metropolitan Bar Association, 1980-89: Federal Courts Committee, 1982-86; Bench/Bar Conference Committee, 1981-82, 1984-86.

Harvard University: National Board of Directors, Harvard Alumni Association, 1989-present. Harvard Club of Kansas City, Member, 1980-89, served on various committees, such as membership. Harvard Club of Washington, D.C., Member, 1990 - present.

National Association of Women Lawyers: 1980-89. Recording Secretary, 1986-87; Executive Board, 1986-89; Chairman, Torts and Litigation Committee, 1982-83, 1985-86; Missouri Delegate, 1981-83, 1985.

U.S. Department of Labor Academy: Board of Directors, 1989-90.

Executive Women in Government: Member, 1990-present.

Civic

Kansas City Urban Crime Prevention Authority, 1980-81. Visiting Nurses Association Board of Trustees, 1982-85, Vice President, Home Care Services Board of Trustees, 1985. Former Member - Friends of Art, Hyde Park Neighborhood Association and Friends of Symphony (Kansas City).

QUESTIONS OF THE COMMITTEE AND THE ANSWERS THERETO

1. How does your experience at the Department of Labor and Justice qualify you for the position of Inspector General at the Department of Transportation (DOT)? Why do you want to serve in this capacity?

ANSWER: The Inspector General Act of 1978 states that an Inspector General should have demonstrated ability in at least one of several listed areas of expertise. I have been fortunate to have a career path that has given me graduate degrees and jobs covering all such areas, but especially including law, public administration, investigations, management analysis, and, in my present job, oversight of auditing and financial analysis as well as investigation and prosecution.

The Inspector General Act requires an Inspector General (1) to conduct and supervise investigations and audits relating to programs and operations of the department and other establishments covered by the Act (and amendments), (2) to provide leadership and coordination and recommend policies to promote economy, efficiency and effectiveness in the administration of the department or other establishments, and to prevent fraud and abuse in programs and operations of the department or other establishments, and (3) to provide a means for keeping Congress and the head of the department or of other establishments fully and currently informed about the problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action. I believe my experience with the Departments of Labor and Justice, as well as my education, will enable me to perform all these functions.

With the Department of Justice, I served from 1982-86 as a Federal criminal prosecutor, first as an assistant U.S. attorney (1982-85), and then as an Organized Crime and Racketeering Strike Force prosecutor (1985-86). From 1987-88, I worked on criminal investigation, policy, and legislative issues when I was selected a White House Fellow and served as a special assistant to the U.S. Attorney General.

Now in the Department of Justice, as Assistant Secretary for the Office of Labor-Management Standards (OLMS), I head an agency which is very similar to the DOT IG office in personnel and budget size, organization, mission, and field structure. OLMS is responsible for investigating various types of crimes concerning labor unions, including embezzlement and false financial reporting and disclosure. We have approximately 875 open criminal investigations, and last year, we referred 305 open cases to the U.S. attorneys for prosecution.

The OLMS also completes nearly 1000 audits of labor unions each year. The audits range in size from small local unions with assets of several thousand dollars to large international unions with assets of several hundred million dollars. Obviously, I do not do these audits myself. As Assistant Secretary, I have management, oversight, and review responsibilities for the audit programs, which include planning, targeting, staff training, and development and implementation of new initiatives.

I also review the management of the agency's offices and divisions (4 national offices, 6 divisions, 35 field offices), which are very similar in organization to the DOT IG office, including qualitative and quantitative analysis of our agency's effectiveness and utilization of resources, planning, targeting, personnel management and training, and completing reactive and proactive investigations and audits. For Fiscal Year 1990, we have a staff of 430 (the DOT IG office has 460) and a budget of $26 million (the IG office has $31 million).

I would like to serve as the IG for DOT because of the opportunity to apply my experience and training to the challenge of meeting purposes of the IG Act. The Act intended to impose three very important areas of responsibility on persons with not only the experience and training required by the Act but with the independence, conviction, judgment, objectivity, and integrity to fulfill the mandate of the IG. It is this latter obligation which carries with it the utmost challenge of public service. I would like to accept that challenge in serving in the Department which carries with it perhaps the greatest responsibilities in government for the safety of its citizens and the movement of its economy. My interest in the transportation field is even more longstanding than my interests in law, investigation, or management. I obtained my pilot's license at age 18, minored in aviation in college at Ohio State and was a member of flying clubs at Harvard as well as Ohio State. I also studied aviation issues in graduate school as part of obtaining my Public Administration degree and some transportation issues in law school in course work toward my Juris Doctor degree.

2. What priorities would you set and improvements do you intend to implement as Inspector General at the Department of Transportation?

ANSWER: Since I will be new to the DOT and its Office of Inspector General, I will be looking to the current senior managers, both within the OIG and the Department as a whole, for their ideas and suggestions for improvements to the OIG. The DOT OIG has a very good reputation and I very much look forward to working with this staff.

With respect to priorities, several issues come to mind.

First, I believe it is important to give senior Department managers and Congress an overall assessment of the effectiveness of Departmental programs. I therefore plan to continue and expand the Departmentwide and Modalwide audits that were begun a few years ago.

An area of major concern in the country has been airline safety and airport capacity. I believe that the OIG needs to provide a high degree of oversight to the Federal Aviation Administration's operations and the multibillion dollar National Airspace System (NAS) Plan.

Another area of IG focus must be the use of resources applied to transportation infrastructure. We need to ensure that the limited funds being made available for our highways, bridges, mass transportation facilities, airports, railways, and the like are being spent efficiently on projects that are most needed, and that quality goods and services, and all the goods and services the U.S. pays for are indeed timely delivered.

One other high priority for the audit staff will be in the financial management area. There is legislation pending on the establishment of Chief Financial Officers at each Department and requirements for Departmentwide audited financial statements. Considering the recent problems at HUD and with the savings and loan industry, I believe more financial auditing is needed. I will, therefore, place additional emphasis on the accuracy and reliability of financial information presented to Departmental managers, to the Administration, and to Congress.

On the investigative side, I see a need for some emphasis in proactive investigations. In the past, the OIG devoted resources to proactive investigations such as bid rigging and disadvantaged business enterprise frauds. Because of an ever increasing number of reactive cases, proactive work has declined, and I think we need to identify opportunities to increase our efforts in this area.

Another high priority for me is human resources management. Coming from a series of law-enforcement jobs, I have learned that professional and well-trained managers, investigators, and auditors are very important resources. I believe that the dynamics of the work force emerging in the 1990's mandates that the OIG has a comprehensive and well-structured approach to cultivating supervisory and managerial skills. We must take advantage of valuable human resources by increasing staff motivation, skills, accountability, and participation in the management of our work. At the same time, I believe career and technical skills development is essential for nonsupervisory staff. This development effort includes interpersonal, leadership, and communication skills training as well as technical skills training, to prepare nonsupervisory staff to take on the increasing challenges of journeymen and managerial positions.

3. How would you improve the program of management audit of the procurement process at the Department of Transportation.

ANSWER: Procurement at DOT has to be a major area of both audit and investigative emphasis. The Department spends between $2 and $3 billion each year on major systems acquisition. Over the past several years, I am advised the DOT IG office and the General Accounting Office has made a concerted effort to oversee the DOT procurement process and over 20 audit reports have been issued. I understand the House Appropriations Committee has been very complimentary of the work done by the IG and has used it extensively during hearings with the Modal Administrations.

As the Inspector General, I would look at the procurement process two ways when deciding how the IG resources should be applied. I believe that both individual systems acquisition reviews and cross-cutting reviews that evaluate the effectiveness of the various pieces of the procurement process are essential. I would determine if there were major systems that had not been reviewed, assess their vulnerability and make sure that appropriate reviews were made. For these systems audits, we would examine, for example, the acquisition strategy, the adequacy of the statement of work or contract specifications, the systems requirements, the adequacy of performance testing and the extent of contract change orders. These reviews would result in recommendations that were specific to the systems reviewed. We must also do the broader reviews to assess how well the processes are working. As an example, we could evaluate FAA's systems and procedures for making sure that they are receiving items and materiels that fully meet the contract specifications. These are the types of audits that lead to procedural improvements.

4. As you may know, a draft report of the Senate Governmental Affairs Subcommittee on General Services found that "many I.G.'s lack objectiveness and/or effectiveness in investigating whistleblower complaints." Do you believe you will be able to pursue effectively charges of abuse by agency officials if you are confirmed as DOT Inspector General?

ANSWER: Yes, I do believe I will be able to pursue effectively charges of abuse by agency officials if I am confirmed as DOT IG. I have read the draft report written by Senator Sasser's subcommittee, and I should point out for the record that the DOT IG organization and my predecessor, Mr. John W. Melchner, are not among those criticized in that report. That said, let me address some of the reported criticisms and recommendations in the subcommittee's report, "The Inspector General System," issued July 1990. The report identified several problems, but chiefly three major areas of criticism: (1) Lack of independence of the Inspectors General, (2) Failure to protect the identity of whistleblowers and maintain the confidentiality of their information, and (3) Failure to pursue cases together with poor work on those investigations conducted.

As far as independence and objectivity are concerned, I would like to point out that I would be coming into the DOT from outside the agency. One of the express concerns raised in the report concerned "numerous agency IG's (who) are longtime insiders who previously held key positions in the agencies they are now watching over." (Committee Draft Report, Page 10). I have never worked for the DOT, the Secretary of Transportation, or, to my knowledge, any DOT personnel. Another point raised by the report dealt with the ability of an IG to be objective when depending upon the head of the department for bonuses. As a Presidential appointee with no prior status within the Senior Executive Service, I would receive no ratings or bonuses in the first instance. Of greater importance to this panel, however, is that I have served for many years in positions which required me to exercise personal integrity in pursuing investigations and abuses regardless of any political issues which may be involved.

I would point out that the IG has existed as an independent organization within DOT since its inception in 1979. I understand it has always had an independent budget, something only mandated by Congress for all IGs in 1988. The organization has, by practice and statute, independence in personnel actions, and DOT IG investigators have independent access to Justice Department prosecutors as well, which means the IG investigators take their cases directly to the U.S. attorneys offices for prosecution

without screening or approval by the DOT Secretary or General Counsel. I am experienced with this independent investigation and referral process, as that is the same system we used with investigations at OLMS.

As far as protecting the confidentiality of whistleblowers and pursuing all cases with quality investigations, I have had many years' experience in both the Justice Department and the Labor Department in safeguarding the confidentiality of whistleblowers, informants (including former members of organized crime families in the Victim and Witness Protection Program), grand jury witnesses, labor union complainants, and other such witnesses. My service at Justice and Labor has also given me much experience in pursuing investigations and following up on tips or leads as well as learning how to do quality work and how to manage to permit our investigators and auditors to do quality work.

I believe I will have no difficulty, organizationally or personally, in aggressively pursuing any allegations that are within my statutory mandate.

STATEMENT OF A. MARY STERLING

Ms. STERLING. All right, Mr. Chairman. I will just make a few comments and then submit the remainder of my opening statement into the record, if that is all right.

Senator EXON. Yes.

Ms. STERLING. Mr. Chairman and Members of the Committee, I am deeply honored and also greatly challenged by the President's nomination of me to serve as Inspector General for the United States Department of Transportation.

Senator EXON. Pull the microphone a little closer, please.

Ms. STERLING. I thank you for the opportunity to appear here today.

The responsibilities of the inspectors general were quite substantial, and they addressed a very acute need when they were created by the Inspector General Act of 1978. However, since the passage of that act, the responsibilities of the inspectors general have become even more critical to the effective, efficient, responsive, and honest operations of the government.

An inspector general is well known to be responsible, to detect fraud, waste and abuse in a department or other establishment for which she is charged. But the statute intended a much heavier responsibility. In addition to conducting and supervising investigations and audits relating to programs and operations of the department, the statute requires an inspector general to provide leadership and coordination and recommend policies to promote economy, efficiency and effectiveness in the administration of the department.

Furthermore, the inspector general must keep the Congress and the Secretary fully and currently informed about the problems and efficiencies relating to the administration of the department's programs and operations.

There are many more responsibilities set forth in the Inspector General Act of 1978 and its amendments, and I believe I am fully able to carry out the full mandate and all responsibilities contemplated by the Inspector General Act.

I know my experience, education—yes, Harvard notwithstanding--and training have given me the skills and judgment necessary to meet the obligations and challenges of Inspector General of the Department of Transportation. But I also hope that my career and my life to date reflect that I have the integrity and independence to embark on what to me is one of the most rigorous callings in public service, an inspector general.

With your permission, Mr. Chairman, I will submit the remainder of my remarks for the record.

[The statement follows:]

STATEMENT OF A. MARY STERLING
BEFORE THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. Chairman and Members of the Committee. I am deeply honored, but also greatly challenged, by the President's nomination of me to serve as Inspector General for the U.S. Department of Transportation. I wish to thank you for the opportunity to appear before you today.

The responsibilities of the Inspectors General were quite substantial, and addressed an acute need, when created by the Inspector General Act of 1978. However, since the passage of the Act, the responsibilities of the Inspectors General have become even more critical to the effective, efficient, responsive and honest operation of the government. An Inspector General is well known to be responsible to detect fraud, waste and abuse in the department or other establishment for which she is charged, but the statute intended a much heavier responsibility. In addition to conducting and supervising investigations and audits relating to programs and operations of the department, the statute requires the Inspector General to provide leadership and coordination and recommend policies to promote economy, efficiency and effectiveness in the administration of the department. Furthermore, the Inspector General must keep Congress and the Secretary fully and currently informed about the problems and deficiencies relating to the administration of the department's programs and operations, as well as the need for and progress of corrective action.

However that is still not the extent of the responsibilities of an Inspector General. The statute states, in the very first

line after the title of the Act, that the purpose of establishing Inspector General Offices was to create independent and objective units. The Inspector General must be appointed on the basis of integrity and ability in one of several listed prerequisite areas. She must report to and be under the general supervision of the head of the Department, but shall not because of such reporting and supervision fail to carry out or complete any audit or investigation.

The Inspector General must also receive and investigate complaints or information from employees of the Department concerning the possible existence of an activity constituting a violation of law, rules or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety. Furthermore in taking such complaints or information, the Inspector General **must not disclose** the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

I believe I am fully able to carry out the full mandate and all responsibilities contemplated by the Inspector General Act of 1978, as amended. I know my experience, education and training have given me the skills and judgment necessary to meet the obligations and challenges of Inspector General of the Department of Transportation. I hope my career and life to date reflect that I have the integrity and independence to embark on what is to me one of the most rigorous callings in public service, an Inspector General.

In my formal education, I obtained a Bachelor's degree, cum laude, from Harvard University, a Master's degree in Public Administration from the Ohio State University, and a Juris Doctor degree from the New York University. While an undergraduate, I obtained a pilot's license and completed several university aviation courses. In graduate school, I was able in some courses to study aviation issues. I should point out that I have never worked in the Transportation Department, nor have I started working there at this time. I am still serving as an Assistant Secretary at the Labor Department.

However, the best training and experience I have to serve as Inspector General have come through my various jobs in law, investigations, auditing and prosecution. In my present job as the Assistant Secretary for Labor-Management Standards (OLMS), I head a U.S. Department of Labor agency which has both investigation and audit functions, just as does the Inspector General. OLMS is responsible for investigating various types of crimes concerning labor unions. After we investigate the cases we turn the cases over the U.S. Attorneys for prosecution, just as does the Inspector General. We also complete nearly 1000 audits of labor unions each year. The audits range in size from small local unions with assets of several thousand dollars, to large international unions with assets of several hundred million dollars. OLMS also investigates every complaint received from union members concerning union officer elections, and does so within statutory time limits, just as should the Inspector General with employee complaints and information.

As the head of OLMS, with approximately 420 employees and a budget of $26 million dollars, I have gained experience running an agency which is approximately the same size as the Inspector General's Office at the Department of Transportation. As an investigation and audit agency, OLMS shares a mission similar to that of the Inspector General's Office. With one-fourth of OLMS employees in the national office and three-fourths in 35 field offices, I have also gained experience managing a structure and organization similar to the Inspector General's Office. I have management and review responsibilities for all functions and programs, including both investigation and audit, and including planning, targeting, training, development and implementation of new initiatives, and quantitative and qualitative evaluation of our achievement of our goals and overall mission.

Before my service in the Labor Department, I served from 1982-1986 as a federal criminal prosecutor, first as an Assistant U.S. Attorney, and then with the Organized Crime and Racketeering Strike Force. In these positions I worked on white collar criminal cases such as fraud, embezzlement, corruption, and organized crime and racketeering, responsibilities which also parallel those of the Inspector General. In 1987 I was selected a White House Fellow and served from 1987-88 as the Special Assistant to the U.S. Attorney General for criminal and law enforcement matters. I worked on investigation, policy and legislative issues in areas of criminal and law enforcement. During my service with the Department of Justice I also served as an instructor at the U.S. Attorney General's Advocacy Institute,

and for the mock trial program at the FBI Academy in Quantico, Virginia. I also served in two private law firms in their civil litigation departments.

Thus, although I will be new to the Department if I am fortunate to be confirmed as Inspector General for the Department of Transportation, I will have the advantage of comparable and transferrable experience in other Departments. More important, Secretary Skinner has already made clear to me not only that he is committed to the effective and efficient management of the Department's programs and operations, but he demands they be free from fraud, waste and abuse. I know I will also have the valuable support and expert assistance of the career professionals already serving in the Office of the Inspector General for the Department of Transportation, and especially Acting Deputy Inspector General Raymond J. DeCarli, Assistant Inspector General of Investigations H. Rae Scott, and Assistant Inspector General for Policy, Planning and Resources John W. Lainhart IV, who have already been of great assistance.

Finally, I know the Members of this Committee as well as other Members of Congress, will by their interest and inquiries, provide even additional insight and guidance. I look forward to the opportunity to serve as the Inspector General so I may also work with this Committee to safeguard the transportation systems, and thereby the citizens, economy and security, of this country.

Mr. Chairman and Members of the Committee, this concludes my statement. I will be happy to answer any questions you may have or provide additional information.

Senator EXON: Thank you, Ms. Sterling.

How would you attempt to strengthen, which I think we all recognize we must do, the employees' confidence in the current inspector general system at the Department of Transportation and elsewhere?

Ms. STERLING. I think one of the ways to strengthen the employees—and by "employees" I'm referring to employees of the department or other types of whistle blowers—to strengthen their confidence in the system would be to treat the whistle blowers more in the manner in which, as a prosecutor or as the head of the Office of Labor-Management Standards, we treated witnesses, informants or cooperating persons in our cases which I pursued in those capacities.

We were very careful to protect the identity of those persons. We used their information judiciously. We were careful, for example, when we took their statements or interviewed them or made them appear, for example, in Grand Jury appearances, to protect them to the maximum extent possible.

Now, obviously, there comes a time, for example at the trial of matters or in various cases, when the identity of witnesses must be given up. But I also have experiences in cases where the confidential informant's identity was protected even past that stage by simply not using him as a witness. I think by following the mandates of the Inspector General Act of 1978 which requires an inspector general not to divulge the identity of a reporting employer whistle blower without his or her permission unless it is impossible to do so, I think that the confidence will be strengthened.

I am very pleased to hear that because I think there is a general consensus that the inspector general system has not worked fully as it was intended. I have had some experiences with it, in making inquiries and trying to check out some things. Sometimes I have felt that the inspector general was not as far removed from the department that he or she was supposed to look after as he or she might have been.

Now, I don't have any clear-cut cases and I am not making any allegations. But I just have picked up that concern. If the inspector general system, which is based to a large extent on whistle blowers, is not protected and not made operative, then the legislation is not performing as the Congress thought it would when it was enacted.

I'm going to ask you this next question in a fashion that I hope will not be offensive to anyone.

You have been very much involved in politics. All my life I have been involved in politics. Let me put the question in this way.

If a President of the United States nominated Jim Exon to be an Inspector General of the Department of Transportation, and if the employees of that department knew full well that Jim Exon was an active operator in behalf of the Democratic President of the United States—if we ever have one again—are you concerned, as I might be concerned, that the employees of the department, knowing of that close association, might be a little bit fearful of coming to me because of that close association? So it is with you. You have indeed been involved at fairly high echelon levels in the Bush-Quayle Campaign.

I suspect that, if I were an employee of the department, now, and an inspector general like Jim Exon or Mary Sterling is appointed, I might look at them as somewhat suspect and be somewhat fearful that, you know, this is certainly a person that I can't go to because of the past connection.

I think that is always a problem of anyone actively involved in political structure. I suspect your answer will be that an inspector general is somewhat like a judge and, when they go into that position, they hope that everyone would understand that they would carry out the responsibilities in the act and that people should not have any fears whatsoever in coming to them with such a concern.

But even with that, I still feel and what I am trying to get at is how can you reassure people in the Department of Transportation that, indeed, the whistle blower will be protected and encouraged to bring things to your attention that you should know about? There is a potential roadblock there which concerns me some and I would like to have you respond, if you could.

Ms. STERLING. Yes, sir.

Actually, my answer is a two-pronged answer.

First of all, I would hope that the entire course of my career was examined. I have served under four different presidential appointees in capacities as being a prosecutor and in my present capacity as being the head of an investigative and audit agency. Throughout those entire years of my experience in the Justice Department and the Department of Labor in an investigative or audit capacity, I have served under a political presidential appointee and have never had, to my knowledge, any criticism, complaint, or problems in carrying out the mandate of the investigation, case, or audit without any regard to political considerations. I think that record will speak for itself.

The other consideration comes about concerning my role in the Bush Campaign. I was hired in late August 1988, straight out of the position of White House Fellow, where I was serving as a Special Assistant to the Attorney General for Criminal and Law Enforcement Matters.

My job in the Bush Campaign was serving as Executive Director of Missouri, which means I was the person who made sure the books balanced and the campaign trains ran on time. In that experience, I was obviously not the political mastermind, nor was I qualified to be. But my job was, again, more in the way of a facilitator, an executive director, who handled a lot of nuts and bolts and made sure that the dollars went where the dollars were supposed to go, to do what the dollars were supposed to do.

That is really not too far afield from a lot of the other positions that I have held. At the end of the campaign, of course, I did not work for the Bush organization anymore. So that was my job.

Senator EXON. Well, that's a good answer.

I don't know if you have any ideas on this, but the heart of my question goes to the concern that I have, which I think many of us up here have, with regard to making sure that the system is working.

Do you have any thoughts, suggestions, or actions that you might take as the Inspector General of that Department to encourage the

flow of information to you on matters that you should know about? I guess that comes under public relations of the inspector general.

It may well be that some of our inspectors general are there, willing and able to do something to look into things if matters are brought to their attention. If there is not a proper understanding of the protection provided or if the employee of the department feels that all he can do is get into trouble by going to see that inspector general, then I suppose the inspector general might not find out about things as much as that inspector general otherwise would.

Is that a concern of yours? If so, are there any thoughts or programs or initiatives that you have in this area that you might try to use in your position, when confirmed?

Ms. STERLING. Yes.

Obviously, I am still at the Department of Labor and have not started working at the Department of Transportation. But I have had occasion to talk with the three managers at the IG's office. One of the things that I would be interested in doing is doing a department-wide and modal-wide review of the systems initially, not only in getting the overview but also in getting a broad exposure to a lot of the different programs and people. This would help to make them aware of the availability of the IG to take their concerns and information and also give an overview of maybe some modal systems that have not been reviewed recently. The IG's office, of course, the career people who are already there are anxious to do that and think that that is a good idea.

Other things which I think will be IG-wide, which many IG's will be looking at and will be doing as a result of the Sasser Committee report, at least the preliminary draft, will be to strengthen their independence, make sure they are not perceived as just another employee of the Secretary or the President, but really functioning as an IG should.

There were some criticisms of IG's, and I should note not of the Department of Transportation and not my predecessor, in that report, that independence was being questioned and criticized. I think the inspector general has to get that across.

Second was the protection of employee complainants or whistle blowers. If they did not feel, first of all, that their complaints were even ever acted upon or that their identity or information were not protected, they simply would not use the system. The surveys completed by that committee report indicated that that was indeed the case, that people did not have the confidence they should for those two reasons.

Going along with that, there was also some concern that whistle blowers were being retaliated against. That must never be permitted to happen. In fact, that is prohibited by the original statute. It should not be happening now and remedial legislation should not be necessary because it is forbidden as it is.

Another criticism which came about or which was mentioned in that report was the criticism that even once the investigations were started or undertaken, they were not quality investigations. Information was not followed up on, the cases weren't completed. It was perceived by many complainants that it was just pointless or worthless to go to the IG.

This cannot be permitted to go on because, literally, the purpose of the IG would be destroyed. That would be another area that I would want to work on, to make sure that if we do accept a case, it will be a quality job and the job will be well completed.

Those are just some of the areas which I think, particularly in light of that report, which to me was very valuable, I would need to watch out for.

Senator EXON. Ms. Sterling, in your prehearing questions, you indicated that one of your priorities would be to give senior administrators and managers and the Congress an overall assessment of the effectiveness of the Department of Transportation program.

Would you briefly explain what you have in mind in this area. Also give us somewhat of a timeframe that we might expect. I thought that was a very good initiative on your part.

Ms. STERLING. I do not have a timeframe. As I say, I have not gotten over there yet. But we would like to undertake it fairly quickly. I say "we" because the personnel already at the IG's office is very much in favor of this and, in many ways, have come up with the idea themselves. This means that, although not easy, it will be a more pleasant task to undertake if all the troops want to do it and have thought of it themselves.

What we mean by that is a review of the operations, not just within certain programs but across the various modes—in other words, the different agencies within the department and- department-wide.

Now, while you may audit certain program areas, the problem with auditing just one area is you may have duplication in other parts and in other agencies within the department. Unless you cross the modalities and go throughout the department, you do not know whether there is fraud, waste and duplication throughout the department.

I have a smaller scale experience in that at the Department of Labor in that there are some areas where there have been duplications and things like that. But that is what I have in mind, where you must cut across the individual agencies or programs to see, as a whole, the effectiveness of the programs in meeting the goals of the department.

Senator EXON. Thank you very much. I have no further questions.

Senator Danforth.

Senator DANFORTH. No questions.

Thank you.

Senator EXON. Ms. Sterling, thank you very much for your excellent testimony. We will move this nomination along as quickly as we can. I see no reason why this excellent nomination by the President should not be favorably reported by the Committee.

Thank you for being here.

Ms. STERLING. Thank you very much.

Senator EXON. We are adjourned.

[Whereupon, at 11:03 a.m., the Committee adjourned.]

NOMINATION—DOT

FRIDAY, OCTOBER 19, 1990

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:40 a.m. in room SR-253, Russell Senate Office Building, Hon. Ernest F. Hollings (Chairman of the Committee) presiding.

Staff members assigned to this hearing: Becky Kojm, professional staff member, and Ruth Johnson, minority professional staff member.

OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN. The Committee will come to order.

I'm just pressed for time. Between appropriations, this, and the defense markup, I apologize for being behind schedule.

We are now considering the nomination of Marion C. Blakey, to be Assistant Secretary of Transportation for Public Affairs.

The Assistant Secretary for Public Affairs is the principal advisor to the Secretary on the dissemination of information to the public and news media concerning the Department's policies and programs. She is responsible for the overall public information program and supervises the information activities of the nine operating elements of the Department.

Ms. Blakey is a native of Gadsden, Alabama, but a resident of Mississippi. She is a graduate of Mary Washington College and also attended the School of Advanced International Studies at Johns Hopkins.

Ms. Blakey has considerable experience in public affairs. She is currently serving in the Public Affairs Office of the Department of Transportation, where she has been for the past two months, now. Prior to this, Ms. Blakey served as Director of Public Affairs at the United States Department of Commerce, beginning in 1989 under Secretary Mosbacher.

Ms. Blakey also served as Deputy Assistant to the President for Public Affairs and Communications Planning from 1988 to 1989, and Special Assistant to the President and Director of Public Affairs at the White House from 1987 to 1988.

Other experience includes serving as Director of Public Affairs at the Department of Education from 1985 to 1987, and at various positions at the National Endowment for the Humanities from 1970 to 1984, including the position of Director of Public Affairs.

Of course, this experience is necessary in a post as important as this one, especially during these times when communicating

through the mass media have become such a fundamental part of government's operation.

The Department of Transportation has many responsibilities which require effective communication of policies and proposals to the public, including, of course, the issues of safety and consumer awareness.

Ms. Blakey, we welcome you to the Committee this morning and we would be delighted to hear from you.

[The biographical sketch follows:]

ERNEST F. HOLLINGS, SOUTH CAROLINA, CHAIRMAN
DANIEL K. INOUYE, HAWAII
WENDELL H. FORD, KENTUCKY
JAMES EXON, NEBRASKA
ALBERT GORE, JR., TENNESSEE
JOHN D. ROCKEFELLER IV, WEST VIRGINIA
LLOYD BENTSEN, TEXAS
JOHN F. KERRY, MASSACHUSETTS
JOHN B. BREAUX, LOUISIANA
RICHARD H. BRYAN, NEVADA
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United States Senate
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
WASHINGTON, DC 20510-6125

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

(If more space is needed, please use attached REMARKS sheet)

A. BIOGRAPHICAL DATA

1. Name: Blakey (Last) Marion (First) Clifton (Other)

Address: 1301 Corcoran Street, N.W. (Current residence)
Washington, D.C. 20009

Department of Transportation (Business)
400 Seventh Street, S.W.
Washington, D.C. 20590

2. Position to which nominated: Assistant Secretary of Transportation for Public Affairs

Date of nomination: October 11, 1990

3. Date of birth: March (month) 26 (day) 1948 (year)

Place of birth: Gadsden, Alabama

4. Marital status: Married

Full name of Spouse: William Ryan Dooley

5. Names and ages of children: Mona Topp Dooley, 3

6. Education:

Institution	Dates attended	Degrees received	Dates of degrees
John Hopkins University, School of International Studies	/71 to /73	Completed 1 year of a 2 year M.A.	
Mary Washington College	9/66 to 5/70	B.A.	1970
Univesita di Firenze	6/69 to 8/69		
Universita Per Stranieri	3/69 to 6/69	Diploma	

7. Employment record: List all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

From	To	Name of employer	Address	Type of work
8/90	present	Dept. of Transportation	400 7th St.,SW Wash., D.C. 20590	Special Assistant & Press Secretary
7/89	8/90	Dept. of Commerce	14th & Cons.Ave.,NW Wash., DC 20230	Director, Office of Public Affairs
3/89	7/89	Dept. of Commerce	same as above	Consultant
8/88	2/89	The White House	1600 Penn. Ave.,NW Wash., D.C.	Deputy Assistant to the President for Public Affairs and Communications Planning
11/87	8/88	The White House	same as above	Special Assistant to the President for Public Affai
10/85	11/87	Dept. of Education	400 Maryland Ave. Wash., D.C.	Director of Public Affairs

(Continued on REMARKS Sheet)

8. Government experience: List any experience in or direct association with Federal, State, or local governments including any advisory, consultative, honorary or other part-time service or positions.

See employment record above.

Served as member of the Commission on Presidential Scholars, 1989-1990.

9. Political affiliations activities: List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

During the 1988 Bush-Quayle campaign gave radio interviews and wrote op-eds supporting the Reagan-Bush record on issues that were current during the campaign.

Member, Democratic Party, ? to 1987

Member, Republican Party, 1987 to present

(CONTINUED ON REMARKS SHEET)

10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.

1978 to 1987	American Association of Museums, Cultural
1981 to 1982	Action for Children's Television, Media
1981 to 1982	National Association for Educational Broadcasters, Media
1980 to present	National Trust for Historic Preservation, Cultural
1984 to 1985	Washington Project for the Arts, Cultural
1989 to present	Women's Advisory Committee, Miss America Pageant

11. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Member, the Commission on Presidential Scholars

Judge, television and radio awards, Corporation for Public Broadcasting

Belk Foundation Award

UDC National 4-Year Scholarship

Pi Gamma Mu, National Social Science Honorary

National Merit Finalist

12. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials you have written.

While I have had editorial responsibility for a number of government publications they have not been my own original writing.

Op-Ed on Reagan Administration farm policies published in the Tupelo Daily Journal and other papers.

*H. REMARKS

7. Employment record: (continued)

From	To	Name of Employer	Address	Type of work
7/82	9/84	National Endowment for the Humanities	806 15th St.,N.W. Washington, D.C.	Director for Public Affairs
8/80	7/82	same as above	same as above	Assistant Directo Special Programs
/75	/80	same as above	same as above	Director, Youth Programs
/73	/75	same as above	same as above	Program Chief, Youthgrants
10/72	10/73	same as above	same as above	Program Assistant Research Division
3/71	10/72	same as above	same as above	Program Specialis Research Division
11/70	3/71	same as above	same as above	Clerk, Research Division
7/70	10/70	P.B. & S. Chemical	4685 95th St.,N. St. Petersburg, FL	Part Time Clerk
7/70	10/70	Billy Rose's Dinner Theatre	6300 Gulf Blvd. St. Petersburg, FL	Waitress

*9/84 10/85 (Leave of absence due to travel abroad)

9. Political affiliations activities: (continued)

Political Contributions:

1981,	David Eaton for School Board	$ 20.00
	Women's Campaign Fund	$200.00
	Presidential Inaugural Committee	$200.00
1982,	National Women's Political Campaign	$ 25.00
	Women's Campaign Fund	$ 25.00
	People for Marie Nahikian	$ 70.00
1983,	Women's Campaign Fund	$ 70.00
1984,	Women's Campaign Fund	$ 50.00
1986,	Women's Campaign Fund	$ 70.00
	Carol Schwartz for Mayor	$150.00
1987,	Women's Campaign Fund	$ 50.00

(continued on next sheet)

9. Political affiliations activities: (continued)

Political Contributions:

1988, Alan Keyes for Senate	$200.00
1989, Presidential Inaugural Committee	$200.00
Women's Campaign Fund	$ 35.00
1990, Wilson for Council Chair	$ 25.00
Bush/Quayle	$ 60.00

STATEMENT OF MARION CLIFTON BLAKEY

Ms. BLAKEY. Thank you, Mr. Chairman. I very much appreciate the opportunity to appear before you today. It is a great honor to be here as President Bush's nominee to be Assistant Secretary of Transportation for Public Affairs. I particularly appreciate the opportunity you have given me in light of the weighty business before the Senate and the very short amount of time to accomplish it. So I do thank you.

I have a written statement, but I would be happy to submit that for the record and to take your questions.

The CHAIRMAN. Let's include your statement in the record in its entirety.

[The statement follows:]

STATEMENT OF MARION C. BLAKEY

Mr. Chairman, it is an honor to be here as President Bush's nominee to become Assistant Secretary of Transportation for Public Affairs. I am particularly grateful to you today for making time to consider my nomination at a point when the Senate has such weighty business before it and so little time.

For the last two and a half months I have been serving as Special Assistant and Press Secretary to the Secretary of Transportation. In that capacity I have been able to appreciate fully the significance of the opportunity the President has offered me in this nomination. The work of the Department of Transportation is vital to the growth of our economy, the safety of our people, and the freedom of movement that Americans have long enjoyed, both in this country and abroad. The issues are serious, tangible ones that are immediately important to people all over the country—rebuilding our roads and highways, developing better mass transit systems, ensuring the safety of our railroads and the security on our airlines, and interdicting drugs before they reach our streets. I feel particularly fortunate to have the chance to serve at the Department under the leadership of Secretary Sam Skinner. He has a strong vision of what American's transportation sytem should be, and his National Transportation Policy is, in my view, an excellent roadmap. He also believes in working to ensure that the public has a clear understanding of the transportation challenges and opportunities facing our country today. In that regard, he has maintained an office that is open to the press, accessible, and responsive to issues of public concern. If confirmed, it will be my goal to ensure that this policy continues, not only on the part of the Secretary but throughout the Department as well. I also believe it is important to ensure public awareness of the legislative aspects of transportation issues, and I fully intend to support the work of you and your colleagues here on Capitol Hill in this regard.

Secretary Skinner has made clear that the Assistant Secretary for Public Affairs is charged with assisting in the development of transportation policies of the Department and, therefore, must be able to communicate an in-depth understanding of the issues to the press and to the public. I expect this task to be a challenging one, and I believe I have the skills, experience and judgment to perform the duties of

this office. I have directed four other public affairs offices in various agencies of the U.S. government, most recently at the White House and the Department of Commerce. I have successfully managed the responsibilities of press relations, special events, writing, editing and production of publications, and development of communications strategies for a wide variety of issues. I have had the help of an excellent staff in each of these jobs, and it is clear that this will be the case in this one.

I began my career in government as a GS-3 clerk and spent twelve years as a member of the career civil service. I therefore have a keen respect for the work of career public servants and first-hand knowledge of what teamwork at all levels can accomplish.

I am looking forward to taking my place on the team at the Department of Transportation and, if confirmed, I hope to make a significant contribution to the work of a dynamic agency.

Thank you.

The CHAIRMAN. We will hold the record open for the other Members who are stretched out in different, other conferences here this morning.

The main point is to check around and make sure that we can get this reported out to the floor and get you confirmed before we leave some time next week.

I believe you have a three year old daughter named Mona?

Ms. BLAKEY. I do.

The CHAIRMAN. Is she here?

Ms. BLAKEY. Mona Topp Dooley is sitting right over here, with Kelly Kraft, another member of our family, and with my sister, Leslie Topp Blakey, who is also from Tupelo, Mississippi and living here in Washington now.

So I brought the whole contingent.

The CHAIRMAN. Mississippians are taking us over. We have been particularly prided in Shelby Foote this past couple of weeks on the Civil War.

Ms. BLAKEY. That's right.

The CHAIRMAN. I guess you were like me in that you enjoyed it very much, except for the ending.

Ms. BLAKEY. Well, there we are. I wanted a little bit more of our side of the story. But I did watch it every night.

The CHAIRMAN. Very good.

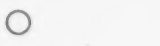
I am totally satisfied and pleased with the work you are already doing over there at the Department.

If there are not any further comments or questions from any of the Members, the Committee will be in recess until the call of the Chair.

Thank you very, very much for appearing here this morning.

Ms. BLAKEY. Thank you very much.

[Whereupon, at 10:45 a.m., the hearing adjourned.]



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